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To: [Delta Plan Comments@Deltacouncil](#)
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Subject: Comments on Water Resources White Paper
Date: Thursday, December 23, 2010 12:46:16 PM

Delta Stewardship Council Members:

Thank you for providing the opportunity to comment on the Water Resources White Paper. I offer the following comments:

The authors of the Water Resources paper should be commended for compiling a tremendous amount of information and presenting it in an understandable, readable format. The case studies in particular offer a nice venue for illustrating and emphasizing important points throughout the document. However the discussion in the Water to Meet Environmental Requirements section (p.2-14) is lacking. The paper would benefit from an enhanced discussion on water needs to meet environmental uses in rivers and streams throughout the state. I offer some suggestions.

- The important issue of over-allocation or over appropriation of water supplies to meet all beneficial uses (including public trust – fish and wildlife) is not specifically discussed in this document. Yet, this issue is the large elephant in the room. We will not resolve California's water shortage problems in a sustainable manner until we directly address this issue . I suggest that:
 1. The authors offer a formal definition for the term "over-allocation of water supplies" . This will at least help ensure that we are speaking the same language.
 2. That the authors discuss the State Water Resources Control Board's process for determining that "no water is available for appropriation" in certain rivers and streams. The discussion should include an explanation of what this means, tie it back to the over-allocation issue, and include a discussion of ramifications for water users and public trust uses.
 3. That a case study scenario be developed to provide a real life example of these issues. If requested, I can work with the authors to provide examples.
- In the 2009 water legislation package the State Water Resources Control Board received direction to develop a schedule and cost estimates to complete instream flow studies for high priority rivers and streams in the Delta watershed (Sacramento River system) by 2012 and for all major river and streams outside the Delta watershed (but including the San Joaquin River) by 2018 (SBX7 1, Section 85087). The State Board themselves have recognized their public trust responsibilities in their Strategic Plan Update (2008-2012) to ensure adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversion of water for other uses. The State Board recently developed a list identifying 127 high priority rivers and streams that are in need of instream flow protection to provide for the state's aquatic resources. In our comment letter to the State Board, The Nature Conservancy identified an additional 62 rivers and streams that provide for important salmonid habitat and meet the State Board's and the Department of Fish and Game's criteria for priorities. These rivers and streams are also included in the salmon recovery plans of the National Marine Fisheries Service. Providing the water to meet public trust needs have to be considered in

overall water planning for the state. In an over-allocated system, this becomes particularly challenging. This discussion should be included in the Water Resources White Paper.

- The importance of water markets and water transfers in this state as a means for providing critical water supplies is unquestioned. Yet, given the nature of over-allocated resources, it appears that a closer review of water transfers, particularly permanent water transfers is needed to provide a balance among water users, including public trust resources. The Dudley Ridge Water District permanent transfer to the Tejon Ranch Company is a case in point. As an important aside, the selling price in the Dudley Ridge transfer (about \$5,500 per acre-foot), is 10 times the original cost of the water. Besides Dudley Ridge, within the last 10 years, Tulare Lake Basin has had four permanent water transfers. The transfers amount to more than 18,000 acre-feet.

A case study of this issue would make a good addition to the Water Resources white paper and further drive home the point of the need for sustainable water management in the state for all beneficial uses.

Thank you for the opportunity to provide comments on the Water resources white paper.

Sincerely,
Leo Winternitz

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